

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,)	CASE NO. 1:13CR425
)	
)	
PLAINTIFF,)	JUDGE SARA LIOI
)	
vs.)	
)	ORDER ON VIOLATION OF
)	CONDITIONS OF SUPERVISED
)	RELEASE
CLARENCE WHATLEY,)	
)	
)	
DEFENDANT.)	

A violation report was filed in this case on August 14, 2018. The Court referred this matter to a magistrate judge to conduct appropriate proceedings and to file a report and recommendation. Magistrate Judge David A. Ruiz reported that a supervised release violation hearing was held on September 12, 2018, wherein the defendant admitted to the following violations:

1. Failure to Comply with Court Ordered Sanction;
2. Illicit Drug Use.

The magistrate judge filed a report and recommendation on September 13, 2018, in which the magistrate judge recommended that the Court find that the defendant has violated the conditions of his supervision.

A final supervised release violation hearing was conducted on September 21, 2018. Defendant Clarence Whatley was present and represented by Attorney Kevin Cafferkey. The United States was represented by Assistant United States Attorney Margaret Sweeney. United States Probation Officer Kristine Lorentz was also present.

At the hearing, the defendant waived the 14-day requirement for objections to the report and recommendation. Counsel for both parties stated that there were no objections to the report and recommendation of the magistrate judge. Upon review, the Court adopts the report and recommendation of the magistrate judge and finds the defendant to be in violation of his terms and conditions of his supervised release.

IT IS ORDERED that the defendant's term of supervised release is revoked and the defendant is sentenced to the custody of the Bureau of Prisons for a term of six (6) months, with credit for time served since September 12, 2018. The Court recommends that the defendant be placed in a facility as close to Cleveland, Ohio as possible, so that he may be close to his family.

Upon release from custody, defendant is placed on supervised release for two (2) years with the same terms and conditions of supervised release as previously ordered, and with the following additional conditions:

1. The defendant shall participate in an approved program of substance abuse testing and inpatient substance abuse treatment, at a residential facility, as directed by his supervising officer; and abide by the rules of the treatment program. The probation officer will supervise the defendant's participation in the program (provider, location, modality, duration, intensity, etc.). The defendant shall not obstruct or attempt to obstruct or tamper, in any fashion, with the efficiency and accuracy of any prohibited substance testing;
2. The defendant must participate in a cognitive-behavioral treatment program and follow the rules and regulations of that program. The probation officer will supervise the defendant's participation in the program (provider, location, modality, duration, intensity, etc.);
3. The defendant shall undergo a mental health evaluation and/or participate in a mental health treatment program as directed by the supervising officer.

In addition, the Court removes the condition ordered on June 18, 2018 placing the defendant in the Oriana House for a period of 90 days. All other terms and conditions of

supervision remain in effect.

The defendant is remanded to the custody of the U.S. Marshal.

IT IS SO ORDERED.

Dated: September 21, 2018



HONORABLE SARA LIOI
UNITED STATES DISTRICT JUDGE